

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

THOMAS EMORY STEGALL,

Plaintiff,

v.

CV 10-1262 RB/WPL

BERNALILLO COUNTY METROPOLITAN
DETENTION CENTER, et al.,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION TO
EXCEED PAGE LIMIT FOR EXHIBITS**

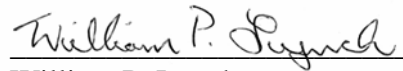
Plaintiff Thomas Emory Stegall has filed a motion requesting the Court's permission to exceed the page limit for exhibits. (Doc. 31.) Though he claims that he requested the concurrence of defense counsel, the Defendants claim that no request was received. (Doc. 31 at 1; Doc. 32 at 1.) Whether or not Stegall in fact requested concurrence from opposing counsel is irrelevant. While reaching a concurrence prior to filing a motion is always helpful to the Court, a party to a *pro se* inmate case is not required to determine whether the motion is opposed prior to filing. D.N.M.LR-Civ. 7.1.

As identified by the Defendants, Stegall has not indicated a pleading to which he would like to attach exhibits in excess of the page limits. (*See* Doc. 32 at 2.) The only document that Stegall is required to produce in the near future is a response to the Defendants' discovery requests. (*See* Doc. 29.) There is no page limit for discovery responses. Furthermore, discovery responses should be sent directly to the Defendants and not filed with the Court, though Stegall should file a Certificate of Service indicating the date on which he served his responses. *See* D.N.M.LR-Civ.

26.2.

The other document that will be due to the Court from Stegall is his response to the Defendants' *Martinez* report. (*See* Doc. 20; Doc. 29.) However, Stegall cannot prepare or file his response until the *Martinez* report is filed by the Defendants. Furthermore, the page limit generally applicable to motions does not apply to the exhibits attached to *Martinez* reports or responses thereto. Thus, Stegall need not request the Court's permission to exceed page limits prior to filing his response to the *Martinez* report.

IT IS THEREFORE ORDERED that Stegall's motion is DENIED.

A handwritten signature in black ink, reading "William P. Lynch", is positioned above a horizontal line.

William P. Lynch
United States Magistrate Judge

A true copy of this order was served
on the date of entry--via mail or electronic
means--to counsel of record and any *pro se*
party as they are shown on the Court's docket.